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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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Room 222
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10 FEB 1993

IN REPLY REFER TO:
7330-7/1700A3

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FEB 12 1993

Honorable James L. Oberstar
Member, House of Representatives
231 Federal Building
Duluth, Minnesota 55802

Dear Congressman Oberstar:

This is in reply to your letter of January 29, 1993, in which you inquired on behalf of your constituent, Ray V. Maciejewski, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Mr. Maciejewski is specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

Copy to Mr. Oberstar's 041
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We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,

Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Notice
Discussion paper

Congressional

DUE 85-10-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM 02/02/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
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TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	James Oberstar	BC

CONSTITUENT'S NAME	SUBJECT
Ray Miciejeski	inq. comments on PR Docket 92-235

REF TO	REF TO	REF TO	REF TO
PRB/lin			

2-3-93

DATE	DATE	DATE	DATE
02/02/93			

REMARKS: Respond to the Duluth, MN office.

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JAMES L. OBERSTAR
8TH DISTRICT, MINNESOTA

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PUBLIC WORKS AND
TRANSPORTATION
CHAIRMAN:
SUBCOMMITTEE ON AVIATION

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PPB
92-235
466

Congress of the United States

House of Representatives

Washington, DC 20515-2308

January 29, 1993

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DULUTH, MN 55802
(218) 727-7474

Mr. Terry Haynes
Chief of Staff
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Dear Mr. Haynes:

I am forwarding the enclosed correspondence from Mr. Ray Miciejeski, 4502 Cooke Street, Duluth, Mn. 55804 for your consideration.

After you have had an opportunity to review this matter and take whatever action you deem necessary, please furnish me with a full report.

Please send your response to my Duluth District office.

Thank you for your time and consideration.

Sincerely,



James L. Oberstar, M.C.

JLO/jdm

Enclosure

RECEIVED
FEB 3 3 27 PM '93
PRIVATE

REGARDING FCC RULE MAKING

JAN 27 1993

January 23, 1993

The Honorable...James Oberstar

Dear Senator Oberstar,

I have been interested in aviation for as long as I can remember. I am very active in a local club whose members enjoy constructing and operating radio-controlled model airplanes. I personally own 5 radios, 10 R/C models and have a workshop full of other products necessary to operating my models.

I am very concerned about the proposed rule that is currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 KHz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 KHz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a sizeable industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid halting these proposals from going into effect.

Sincerely,

R. V. Maciejewski
4502 Cooke Street
Duluth, MN 55804

Ray Maciejewski
Ray Maciejewski
4502 Cooke Street
Duluth, MN. 55804